UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAYMOND MILLER,

Defendant.

Case No. 15-CR-153-JPS

ORDER

Defendant was sentenced on February 4, 2016 to 102 months' imprisonment. (Docket #22 at 2). He was permitted to voluntarily surrender to begin serving that sentence on or after March 1, 2016. *Id.* Defendant was unable to turn himself in, though, because he was arrested in the meantime for distributing drugs. *See State of Wisconsin v. Raymond L. Miller, Jr.*, Racine County Circuit Court Case No. 2016-CF-309, *available at*: https://wcca.wicourts.gov. He was prosecuted by the State of Wisconsin and sentenced to a term of imprisonment. *Id.*

Defendant filed a letter on July 18, 2018 asking that this Court modify his sentence to have it operate concurrently to his state sentence. (Docket #27). This the Court cannot do. First, the potential bases for modifying a sentence are extremely limited and not present here. 18 U.S.C. § 3582(c). Second, even if modification were possible, it would not be appropriate. Federal courts may order that a sentence they impose operate concurrently with a state court sentence only when the defendant is, at the time of federal sentencing, either currently serving the state sentence or the state sentence is anticipated. *See* 18 U.S.C. § 3584(a); U.S.S.G. § 5G1.3(b), (c); *United States v. Harper*, 706 F. App'x 322, 325 (7th Cir. 2017). This was not the case for
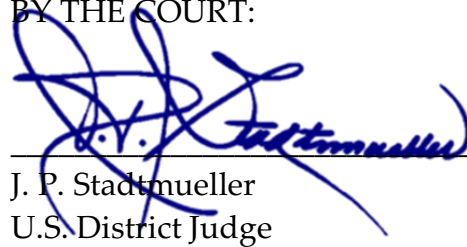
Defendant at the time of his federal sentencing. Indeed, his current state sentence arose from conduct occurring *after* the federal sentencing, so it was not possible for the Court to anticipate any state sentence. Defendant's request will, therefore, be denied.

Accordingly,

IT IS ORDERED that Defendant's request to modify his sentence (Docket #27) be and the same is hereby **DENIED**.

Dated at Milwaukee, Wisconsin, this 25th day of July, 2018.

BY THE COURT:

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J. P. Stadtmueller
U.S. District Judge